

From: John Athayde
To: Microsoft ATR
Date: 1/24/02 11:27pm
Subject: Microsoft Settlement

To whom it may concern -

The settlement that you all are proposing does not solve many of the issues that tax payer money has been funding the fight against and in fact will allow the company to return to it's anti-competitive practices as of the next generation of it's OS (and variants thereof).

Because of the way that you have defined "Windows Operating System Product," any issue of the Win32 based operating system branded as Microsoft Windows that is not

- Windows 2000 Professional
- Windows XP Home
- Windows XP Professional

Is not party to this agreement and therefore cannot be held under the regulations it implies. Simple language such as "including but not limited to" or "including all future products developed as" etc.

This is already an issue in the example of Windows XP Tablet PC Edition. Since that is neither Windows XP Home nor Windows XP Professional, it would appear to be exempt from this ruling. Since this is the DOJ's settlement, contra proferendum would work against the US Government and allow Microsoft leeway, since the Government failed to properly define this item. Same issue exists with "Windows CE".

There are many things like this throughout the settlement, which does little to quench the key problem: The method Microsoft employs is total domination of the market. If they can't innovate it, buy it. If they can't buy it, copy it and market the hell out of it until the competition succumbs.

The DOJ should push for Microsoft to open up it's APIs, prohibit the Microsoft ability to retaliate against OEMs that ship computers without a Microsoft OS (section III A 2), and afford smaller OEMs, outside the top 20, the same rights of disclosure (Section III B) if they offer competing products.

I use Microsoft products. I'm typing in a Microsoft program right now. The DOJ needs to represent the rights of the majority of the citizens of the United States in providing fair competition and other open standards that Microsoft has repeatedly shown it cannot or will not provide on it's own accord.

Thank you for your time.

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